

Report to the Cabinet



**Epping Forest
District Council**

Report reference: C/022/2007-08.

Date of meeting: 16 July 2007.

Portfolio: Planning & Economic Development.

Subject: Charging for Pre-Applications Discussions.

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Recommendations/Decisions Required:

- (1) That Members note that the law allows for pre application charges, and agree to introduce such a charge of £1500 plus VAT for major schemes from 1 October 2007;**
- (2) That Members note the approaches taken by other Authorities;**
- (3) That Members agree in principle the draft scheme attached as an Appendix explaining the scheme, and agree that advance publicity is given to other Essex Authorities, on the Council's web site and in the Planning Services reception; and**
- (4) That Members agree that the scheme be monitored, and reviewed before the end of its first year of operation.**

Background:

1. The Local Government Act 2003 allows Local Authorities to charge customers for holding discussions prior to the submission of planning applications. This report seeks to consider briefly the issues, what similar authorities are doing and thus to enable Members to introduce such a scheme at Epping Forest.

2. Originally all services offered in connection with the control of development in Planning were free to users. Planning fees were introduced in the 1980s for those making planning applications with the intention of them paying a contribution to the costs of providing the service. However, fee-generating applications make up only about half the overall costs of development control. Of course, the system acts in the public interest, not just in the interests of those submitting applications.

3. The application fees are compulsory and set nationally. Few issues of nonpayment arise. This Council's fee income is estimated to be £565,000 in this financial year.

4. The charging for pre application discussions could produce a further modest income stream for the Council. Pre-application discussions have always been encouraged by this authority (one of the measures in the BVPI Quality of Service) and, so long as charging does not reduce the take up of the offer to discuss a proposal before submitting an application, a charging scheme can have the benefit of dissuading some ill-conceived

proposals, highlighting the cost of officer time in the process and recouping some of this cost.

Other Authority Schemes:

5. In preparing this report (mainly by regarding websites) attention has been given to what is being done by other Essex authorities, authorities judged to be similar to this Council for audit purposes and by adjacent authorities in London.

6. No Essex Authorities presently make any charge, and there is an understanding within the County that all other authorities will be notified in advance of one authority proceeding on this route.

7. Of the group of authorities judged similar to Epping Forest for audit purposes only Mid-Sussex and St. Albans have a charging scheme though Tandridge used to operate one and are considering reintroducing it. Though relatively common throughout London, Waltham Forest and Enfield do not have a scheme at present, though Redbridge and Havering do.

8. Of these schemes Redbridge is the most straightforward. They charge £2,000 for larger developments only. Havering charge £1,200 for major development, £600 for minor development and £20 per letter about householder development. Mid Sussex charge £100 for a meeting with an officer and £50 for a householder letter and trees/landscape at £20. St Albans charge £500 for large-scale housing, industrial etcetera, £200 for smaller scale developments and £50 for domestic extensions. However, they exempt individual domestic extensions when discussed with the householder.

9. Plainly there is plenty of variety in the charging regimes that others have adopted.

The Proposed Scheme:

10. It is recommended that Epping Forest introduce a scheme (similar to Redbridge) that charges only for major proposals, adopting the long-established DCLG definition of major as being proposals for 10 houses or more or a residential scheme on a site of 0.5 hectares or more, or 1,000 sqm of commercial floor space or a commercial scheme on a site of 1 hectare or more. A flat charge of £1,500 is proposed per proposal. This is still likely to be only a contribution to the full costs and so follows the spirit of the existing charging regime but is considered to be proportionate to the fee that has to be submitted ultimately to accompany the application.

11. Consultation with agents who regularly submit applications both in this District and elsewhere has emphasised that charging for smaller schemes, particularly for householder applications, gives rise to considerable ill-feeling and a significant disinclination to seek pre-application advice at all. Hence the recommendation that it apply to major schemes only.

12. The details of the scheme will need to address:

- (a) any unwarranted raising of expectations that officer advice, especially when paid for, commits the Council to an ultimate decision;
- (b) any discouragement from entering pre-application discussions;
- (c) that it is the Council who determines who best to deal with an enquiry rather than a developer insisting on meeting a senior officer;

(d) that a considerable amount of advice is already available free-of-charge through the Council's website;

(e) that not all advice needs to include a meeting – a written report on a preliminary scheme will be produced in any event; and

(f) the arrangements for the payment of the fees themselves, which must not put additional responsibilities onto professional case workers.

13. Attached as an appendix is the draft of a suggested scheme that seeks to deal with all of the above points.

14. It is fair to state that officers have some reservations about the scheme, both in principle: charging for a service that should be seen to operate for the benefit of the whole community, and in the detail: for example, at what point must officers refuse to discuss a scheme without a charge being required. Nevertheless, it is considered that a scheme could be introduced for a twelve-month pilot commencing on 1 October 2007 and will be evaluated before being continued beyond October 2008.

Statement in Support of Recommended Action:

15. Because of the legislative position, and because some other Authorities nearby are charging, it is right that Members should consider the facts and issues. There is a range of different schemes being operated. A scheme focused on major developments is recommended since developers will be able to assimilate these costs into their overall costs most readily and it would not penalise householders unnecessarily nor dissuade them from seeking advice. Nevertheless, it is recommended that the scheme operate only for a trial 12 month period and be reviewed to analyse whether it has been worthwhile and not detrimental to the overall service provided to the community.

16. It is anticipated that up to 25 such charges are likely in a full year providing a modest income in the order of £37,500. There will be some internal costs associated with administering the scheme.

Other Options for Action:

17. To introduce such a scheme of pre application charges in the specific way suggested.

18. To introduce a more wide ranging scheme of pre application charges for all prospective applicants.

19. To leave all pre application advice as a service without specific charge.

Consultation Undertaken:

20. Some informal external comments were received from a Development Control Agents Forum.

Resource implications:

Budget provision: Additional income in the region of £37,500 per year.

Personnel: Some staff deployment from existing duties to administer the scheme.

Land: Nil.

Community Plan/BVPP reference: BV205

Relevant statutory powers: The Local Government Act 2003.

Background papers: None.

Environmental/Human Rights Act/Crime and Disorder Act Implications: N/A.

Key Decision reference (if required): N/A.